

**AUG - 1 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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**Commissioner for Patents**  
**Alexandria, VA 22313****REQUEST FOR RECONSIDERATION OF LETTER RESTARTING PERIOD OF  
RESPONSE MAILED ON NOVEMBER 7, 2003**

1. On November 7, 2003, Examiner mailed a Letter Restarting Period of Response ("Restarting Letter").
2. The Restarting Letter states that only claims 1-3, 5, 6, 11-15, 17 were pending.
3. Applicants submit that the Restarting Letter was sent in error, because claims 1 - 19, as originally filed should have been pending.
4. On July 7, 2003, Applicant filed amendments, remarks and arguments in conjunction with a Petition to Revive an abandoned application.
5. On July 31, 2003, the Petition was dismissed.
6. On September 22, 2003, Applicant filed another Petition to Revive.
7. On September 30, 2003, the petition was granted, the notice of abandonment was withdrawn under 37 CFR 1.137a, and with the direction that the original office action be re-sent.
8. The July 7, 2003-filed amendments, remarks and arguments in conjunction with a Petition to Revive an abandoned application were not needed and should not have been entered on September 30, 2003.
9. On October 24, 2006, the original office action with the original 19 pending claims were re-sent.
10. On November 6, 2003 Applicant filed a miscellaneous letter noting that the July 7, 2003-filed amendments, remarks and arguments in conjunction with a Petition to Revive an abandoned application should have been entered on September 30, 2003. However,

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the July 7, 2003-filed amendments, remarks and arguments in conjunction with a Petition to Revive an abandoned application were not needed and should not have been entered on September 30, 2003.

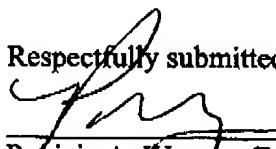
11. Applicants request that the July 7, 2003-filed amendments, remarks and arguments in conjunction with a Petition to Revive an abandoned application not be entered; and alternatively, if they were entered, for them to be withdrawn.

12. Applicants note that the miscellaneous letter mailed on November 6, 2003 and the Restarting Letter crossed in the mail; however, restarting of the action did not occur.

13. Applicants request that the original office action with 19 pending claims to be re-sent.

14. If Examiner does not have the authority to correct the record as requested herein, that this be converted to a Petition to the Director under 37 CFR 1.181, 1.182 or 1.183, as appropriate, and that Applicants be given the opportunity to supplement this petition and provide the petition fee if required.

Respectfully submitted,



8/11/06

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